

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

---

NICOLE LaBAR, a Minor, by KELLI LaBAR and  
WILLIAM LaBAR, Parents and Guardians

Plaintiffs

vs.

CIVIL ACTION NO. 10-1108

MARIAN McDONALD, M.D.;  
ST. LUKE'S PHYSICIAN GROUP, INC., formerly  
known as St. Luke's Health Services, Inc., doing  
business as Keystone Surgical Associates; and  
ST. LUKE'S HOSPITAL OF BETHLEHEM, PA,  
trading as St. Luke's Hospital and Health Network

Defendants

---

**ORDER**

**AND NOW**, this 4<sup>th</sup> day of November, 2011, upon consideration of the letters of the parties;<sup>1</sup> and for the reasons expressed in the foregoing Memorandum,

**IT IS ORDERED** that counsel for plaintiffs shall be permitted to attend the independent psychological examination of plaintiff. Counsel for plaintiffs shall not be present during the administration of any psychological testing.

**IT IS FURTHER ORDERED** that counsel for Plaintiffs shall be permitted to personally audio tape the independent psychological examination of the plaintiff. Counsel for plaintiffs shall not audio tape any portion of the examination which encompasses psychological testing.

---

<sup>1</sup> This discovery matter was brought to the Court's attention by virtue of defendants' letter motion dated October 20, 2011. Plaintiffs responded via letter dated October 25, 2011. With this Court's verbal permission, defendants filed a reply letter on October 31, 2011.

**IT IS FURTHER ORDERED** that defendants' request that plaintiffs bear financial responsibility with respect to the cancellation of Dr. Dauber's examination is **DENIED**.

BY THE COURT:

/s/ Henry S. Perkin

HENRY S. PERKIN,  
United States Magistrate Judge